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VOLUME 11, No. 3
SPRING 1984



LAW NOTES

CLEVELAND-MARSHALL LAW ALUMNI ASSOCIATION NEWS





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LAW NOTES, issued by the Cleveland-Marshall Law Alumni Association, 1801 Euclid Avenue, Cleveland, Ohio 44115. (216) 687-2368.

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Alumni Coordinator: Sandi Oppenheim

ABOUT THE COVER



Several hundred attorneys attend this years Annual Recognition Luncheon honoring Judge August Pryatel, C-M '42, and Congressman Dennis E. Eckart, C-M '74.

OFFICERS AND TRUSTEES

**Cleveland-Marshall Law Alumni Association
of
Cleveland State University
1983 - 84**

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David Paris, '77
The Honorable John T. Patton, '58
Maria E. Quinn, '79
Michael T. Scanlon, '59
Lawrence Wilhite, '80
Robert Zashin, '68
Robert Bogomolny, Dean

From the President . . .



TERRENCE GRAVENS

The Alumni Association will conduct the election of officers and trustees for the 1984-1985 year at the Business Meeting which will be held in conjunction with the Annual Open House. I encourage all of you to attend the Annual Open House and the Business Meeting in order that you may participate in the election process. The Nominating Committee is now hard at work selecting a slate of officers and Trustees who will be presented for your approval at the Business Meeting.

After that election is concluded, I will present the President's Gavel to the person elected as your President. With that thought in mind, I would like to make a few closing comments as the outgoing President. First, I would like to thank all of the current officers and trustees who responded to my calls for assistance during the year. I specifically would like to thank Jerry Walton, Bill Monroe, Dean Bogomolny, Leon Plevin, Sandra Oppenheim, Sue Gragel, Terry Brennan, Herb Palkowitz and Judge John T. Patton for their assistance during the year. I would also commend Leo Rossmann for his efforts as our Treasurer. Secondly, I would call on each of you to become more deeply involved with the Association in the coming year. I do not want to sound like a sportscaster, but we do have **momentum**. The coming year should be a great one for the Association if we continue the effort begun under Bill Monroe to rebuild the Association. The evidence of this rebuilding process is found here in the **Law Notes** which is published through the efforts of Maria Quinn and Sandra Oppenheim.

My best wishes are extended to all of you, and I thank you for the privilege of serving as your President.

SO YOU WANT MUSIC WHILE YOU EAT? . . .

by Judge George W. White, C-M '55

Many lawyers have clients who own or operate restaurants or coffee houses which provide live entertainment for their dining patrons. The purpose of this article is to warn the practitioner of some of the consequences which can befall clients who provide music in their eatery, but fail to obtain the music publisher's permission.

Restaurants which allow musicians to play copyrighted music without a license can be liable for as much as \$10,000 for every copyrighted composition performed.

In **Warner Brothers v. Lobster Pot, Inc.**, C81-2462 (N.D. Ohio February 7, 1984) the proprietors of ten copyrighted musical compositions recovered damages, attorneys fees and a permanent injunction from the corporation which owned the restaurant as well as the corporations' sole shareholder.

Each of the Plaintiffs was a music publisher and a member of the American Society of Composers, Authors and Publishers ("ASCAP"), to which they granted a non-exclusive right to license nondramatic public performances of their copyrighted musical compositions. On behalf of its members, ASCAP licenses thousands of radio and television stations, restaurants, nightclubs, hotels, taverns and other establishments whose owners desire to publicly perform copyrighted musical compositions in the ASCAP repertory.

When users decline ASCAP's offer of a license agreement and choose instead to perform copyrighted works without permission from the copyright owners, ASCAP members can institute copyright infringement actions, pursuant to 17 U.S.C. §§502 (a), 504 (c) (1), and 505 (1976).^{1/}

After the plaintiffs established that they owned the compositions, the fact that compositions were performed by musicians in the defendant Restaurant and the fact that the Restaurant did not have an ASCAP license, the plaintiffs moved for summary judgment against the corporation and its sole shareholder.

The corporate defendant's mere denial that the compositions were not performed, absent affirmative proof, failed to raise an issue of material fact to defeat the motion for summary judgment.

The defendants' principle claim that the compositions were performed by independ-



The Honorable George W. White

U.S. District Court; Life Member, Cleveland-Marshall Law Alumni Association; 1951, Baldwin-Wallace College; J.D., 1955, Cleveland-Marshall College of Law.

ent musicians overwhom neither the corporation nor the sole shareholder and chief executive had any right and ability to supervise or control, was ruled to be without merit. Over the years it has been commonplace for defendants in copyright infringement cases to seek to evade responsibility for acts of copyright infringement by reason of the purported "independent contractor defense." The Court rejected the defense, citing **Shapiro, Bernstein and Co., Inc., v. H.L. Green**, 316 F. 2d 304 (2nd Cir. 1963). The Court also pointed out that in enacting the new copyright law, which became effective on January 1, 1978, Congress considered and rejected a proposed amendment which would have exempted proprietors of establishments from liability for acts of copyright infringement committed by an independent contractor, such as an orchestra leader.^{2/}

After finding the corporation liable the Court then discussed the issue of individual liability for the corporation's sole shareholder and chief executive. The defendant contended that he was not individually liable for infringement on the grounds that his actions "in relation to the Restaurant where undertaken in his capacity as an officer of the corporation.

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1/ The Copyright Act of 1976 is a revision of the Copyright Act of 1909. The new statute went into effect on January 1, 1978, and governs all copyright actions resulting from infringements which occurred subsequent to that date. Public Law No. 94-553, 90 Stat. 2541. The substantive provisions of the new law pertinent to this case are identical to the corresponding provisions in the 1909 law. The cases cited herein and decided under the old law have continuing viability.

2/ H. Rep. No. 94-1476, 94th Cong., 2d Sess. (1976) at 160.

From the Dean



**ROBERT L.
BOGOMOLNY**

As I mentioned in the last issue of Law Notes, I want to focus my remarks this time on our student body, which brings to the school a diversity of backgrounds, interests and goals that helps to shape the learning environment and atmosphere at the law school.

Our students have backgrounds in nursing, medicine, education, real estate, insurance, politics, community leadership, journalism, business - to name just a few. Some have come to law school to enhance their careers while others, like those re-entering the job market and those coming directly from undergraduate colleges, are seeking new directions in the field of law.

The average age of our entering student is 26, higher than the usual, reflecting the diversity of their backgrounds and experiences. Close to 40% of our student body are women - working women, recent graduates, and those starting new careers after years of more "traditional" activity - a reflection of the times but indicative of the breadth of our student body as well.

These widely varying backgrounds are reflected in the classroom, where students can often bring their experiences to bear on the material being studied.

While in law school, they continue to demonstrate their diversity. Many direct their energies towards activities here at the law school - the law review and moot court programs depend on student energy, dedication, and hard work for their considerable success. Others focus their energies on activities outside the law school - they run for elective office (we count among our students and former students several mayors, school board members, council members and judges) and lead community organizations. Still others, out of need or interest (and sometimes both) work in a wide range of legal and non-legal jobs.

Our students leave us as diverse as when they entered though often they have switched roles with their colleagues. Their accomplishments are many. This year two of our graduates are clerking in the 6th Circuit Court of Appeals; others, for United States District Court Judges. Still others are practicing law - in firms, government agencies, solo practices, and corporations.

To a large extent, it is the student body that shapes an educational institution. Our student body helps to make Cleveland-Marshall the unique educational institution it is.

A Family Affair at Cleveland-Marshall..

When one walks into the Cleveland-Marshall atrium, conversation often lingers over class discussions or debatable law issues. Likewise, the conversation at any Fifner family gathering is often monopolized by six members, all who have traveled the corridors of The Cleveland-Marshall College of Law from 1973-1984.

Mrs. Fifner is proud to have children who respect their father enough to follow in his footsteps. Cleveland-Marshall is also proud of the fact that Mr. William R. Fifner, along with five of his six children, chose this fine law school as their stepping stone towards a career in law.

William R. Fifner, a '74 graduate of Cleveland-Marshall, is the father of William F., C-M '73, Douglas K., C-M '79, Elaine Snodgrass Fifner, C-M '79, and Greta and David, first and second year students.

Ever since William Fifner was ten-years-old he had a wish to attend law school. A year after his son Fred (William F.) enrolled at Cleveland-Marshall, Mr. Fifner followed suit and graduated in '74. (The elder Fifner received his LL.B. from Western Reserve in 1948. Since 1950 he has been employed with U.S. Truck Lines of Delaware. He also taught at Fenn College for ten years.)

Attracted by Cleveland-Marshall's curriculum which enabled him to keep his job at Thistle-down while attending school, Fred was the first Fifner offspring to launch his study of law. He clerked for Federal Judge Robert Krupansky during law school and specialized in medical malpractice and products liability defense work. Since 1979 he has been a partner with Reminger and Reminger. Fred received a B.A. in Political Science from Florida South College. Fred and his wife Patti are the parents of 2½ year old Curtis and expect another child in June.

Douglas, William R. Fifner's second oldest son, graduated from Cleveland-Marshall with his wife, Elaine Snodgrass Fifner, in 1979. The couple met in their second week of law school, continued their relationship through their stay at Cleveland-Marshall and married in September, 1979 after the Bar exam.

Doug chose Cleveland-Marshall over Case Western University, where he was also accepted, because at Cleveland-Marshall, he was permitted to work while attending school. "One of the strengths of Cleveland-Marshall is its diverse student body," says Doug. He feels that the caliber of a Cleveland-Marshall lawyer is influenced by well-rounded peers with a great deal of stamina.

Currently an associate of Reminger and Reminger, Doug received his B.A. in English Literature from the University of the South.

Elaine spoke of the friends they acquired at Cleveland-Marshall. "Our good friends now are the friends we met here at Cleveland-Marshall. Our school life was our social life," she said.

After graduating in '79 Elaine worked for Judge Blanche Krupansky and Judge Richard Markus before eventually going into private practice. Elaine, who received her B.A. in political science from Wittenberg University in 1976, is expecting a baby and hopes to resume a part-time practice in the future.

The youngest Fifner son, David, came to Cleveland-Marshall two years after he received his B.A. in history from Stetson University in Florida, where he was also accepted to the Stetson Law School. However, following family tradition, David returned to Cleveland. "It was the reputation of Cleveland-Marshall that made me attend because it is so well respected in the community," he said.

David is married to a college classmate and resides in Lakewood. While a student at Cleveland-Marshall, he works as a law clerk at Spanganberg, Traci, Shibley and Lancione. "The advantages of living at home while attending law school are immeasurable," he adds.

Continued on Page 10



The Fifner family, from left, David, Doug, Elaine, Greta, William R., and William F. (Fred).

You're Invited To
**THE CLEVELAND-MARSHALL
LAW ALUMNI BREAKFAST**

at the
OHIO STATE BAR CONVENTION
FRIDAY, MAY 18, 1984
8:00 a.m.

STOUFFERS INN ON THE SQUARE, CLEVELAND, OHIO

- RENEW OLD ACQUAINTANCES - MEET NEW FRIENDS -

LEARN ABOUT PLANS FOR THE NIGHT SCHOOL
AS SEVERAL NOTEWORTHY SPEAKERS ADDRESS AN IMPORTANT
ISSUE FOR CLEVELAND-MARSHALL:
"THE FUTURE OF THE NIGHT LAW SCHOOL."

FOR RESERVATIONS OR FURTHER INFORMATION CONTACT:

SANDI OPPENHEIM AT THE ALUMNI OFFICE: (216-687-2368)

OHIO STATE BAR ASSOCIATION (614-421-2121) OR SUSAN GRAGEL (216-696-6122)

LIFE MEMBERSHIP ON THE RISE

There has been a great deal of enthusiasm about the Law Alumni Life Membership program. For a total of \$1,000, which is payable in yearly installments of \$250.00, Life Member's names are permanently displayed in the law school atrium, Alumni Association showcase. A beautiful, personalized paper weight is received after a donor's first payment.

Membership chairman **Leon Plevin, C-M '57**, encourages all alumni to support the Association through yearly dues or Life Membership. "Through such programs as this, we can provide scholarships to needy students," he says.

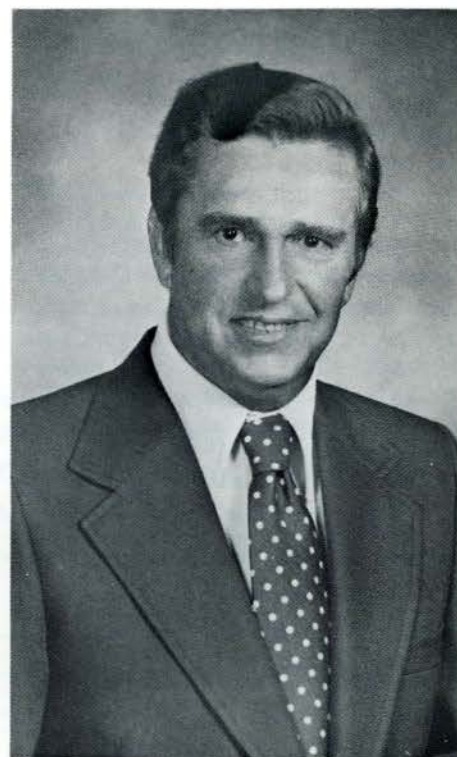
The Life Membership funds are held in a special Trustee account for this purpose.

NEW LIFE MEMBER

PAUL S. SANISLO

B.A., 1948, Baldwin Wallace, J.D., 1961, Cleveland-Marshall College of Law. President, Cleveland-Marshall Law Alumni Association, 1968-69. Former chairman, C-M Educational Foundation.

"Cleveland-Marshall has been good to me. Without the availability of the night school system, I would not have had the opportunity to be what I am today. The association of friends I met through night law school are from all walks of life. They, too, seem to appreciate who they are and what they are today. Anything worth having is worth working for."



Ohio's Compulsory Financial Responsibility Law: New Law With New Problems

by Randy D. Rinicella

Background

Although Ohio has had a financial responsibility law for more than forty years, the law was supposedly strengthened by amending Sections 4503.10, 4509.01, 4509.03-04, 4509.37, 4509.45 and enacting Sections 4503.20, 4507.212 and 4509.101 of the Revised Code. Amended Substitute Senate Bill No. 250 became effective on January 1, 1984.

However, no sooner had the revised statute gone into effect, than it was declared unconstitutional on its face, and therefore void in the Franklin County Municipal Court, Columbus, Ohio. See **City of Columbus vs. Anderson, et al.**, Franklin Co. Muni. Ct. 84OITFD-100471-1-4-5-6 (1984)*. The revised law has been found to be constitutionally infirm in several other jurisdictions, while others are enforcing it only selectively.

It is interesting to note that **before** the law was passed, both the Ohio Judicial College and the General Counsel to the Ohio Legislature advised that the law was unconstitutional.

What then is it that has caused the new law to meet with so many objections before it had hardly been in operation?

Operation of Compulsory Financial Responsibility Law

The purpose of the new law is to assure compensation to accident victims where injuries or damages were sustained in an accident by requiring all motorists to maintain proof of financial responsibility.

Section 4509.101 (A) of the new law specifically states:

"No person shall operate or permit the operation of a motor vehicle unless proof of financial responsibility is maintained with respect to that vehicle or in the case of a driver who is not the owner, with respect to his or her operation of that vehicle."

The law stops short of being a compulsory automobile insurance law by providing several ways a motorist can meet the financial responsibility requirements [4509.101 (G)]:

1. A liability insurance policy, a declarations page of an insurance policy or an accident report;

2. A bond with at least two sureties owning real estate in Ohio and together having an equity equal to twice the amount of the bond;

3. A certificate of deposit with the Treasurer of the State in the amount of \$30,000; or

4. A certificate of self-insurance available to persons in whose name more than 25 vehicles are registered.

Section 4503.20 (A) requires all motorists to sign a statement when they register their car or truck, indicating that they will not operate their vehicle in Ohio unless they maintain proof of financial responsibility for that vehicle.

Actual proof of financial responsibility is required in several instances:

1. When a defendant-owner is charged with a non-waiverable offense (i.e. DWI, Leaving Scene of Accident, Driving While under Suspension of Operators License) [4509.101 (B)];

2. When an owner who is a non-defendant but whose vehicle was driven by a defendant receives notice from the Bureau of Motor Vehicles (BMV) [4509.101 (B) (4) (a)]; and

3. Any person who is required to file an accident report.

After determining who is the owner of the vehicle involved in the traffic offense [4509.101 (B)], the court will require the defendant-owner to show proof of financial responsibility; or in the case of a non-defendant-owner, notify the BMV at the Court's expense, (on a form provided by the BMV) [4509.101 (B) (2) (c)].

If the defendant-owner fails to show proof of financial responsibility, the court orders the following [4509.101 (B) (1) (a), (b), (c)]:

1. Impoundment of certificate of registration and registration plates of the vehicle involved in the traffic offense for 90 days;

2. The defendant's operator's license suspended for 90 days;

3. Defendant to pay additional court costs of \$15; and

4. Clerk to retain any proof of financial responsibility submitted in court's files as part of the record (for purposes of possible subsequent appeal).

Provision is made for the defendant-owner to appeal the court's order to **the Registrar** within ten days by filing a Notice of Appeal with the Clerk's office and the Registrar. The Clerk prepares and sends the transcript to the Registrar. Also, the appeal does **not** stay the court's order [4509.101 (B) (6)].

The defendant-owner must comply with the order within five days [4509. (B) (2) (a)].

Constitutionality

In finding Section 4509.101 **Ohio Revised Code** unconstitutional, Franklin County Municipal Court Acting Administrative Judge C. Howard Johnson held that the statute was an imposition of non-judicial functions upon the Courts. See **City of Columbus vs. Anderson, et al, Supra**. As such, the new law violates the separation of powers implicit in the United States Constitution and the Constitution of the State of Ohio. Referring to the provisions regarding the determination of compliance with the financial responsibility law, and registration impoundment/license suspension, Judge Johnson held:



Randy D. Rinicella

Mr. Rinicella is a second-year student at the Cleveland-Marshall College of Law. He has been named to the Dean's list for the past two consecutive terms. His education includes a Master of Business Administration from Cleveland State University and a Bachelor of Science in Management/Accounting from Case Western Reserve University. He is currently employed as a Financial Planning Analyst with the Cleveland Pneumatic Landing Gear Company and previously worked in Corporate Finance at the General Tire and Rubber Company, and at Central National Bank of Cleveland.

"Requiring the judiciary to perform an administrative act in the capacity of agents of the Bureau of Motor Vehicles violates this principle and the integrity of the three branches of government that it is designed to protect."

By allowing a ministerial department, such as the BMV, to review a judicial determination of first impressions (i.e. compliance with the financial responsibility law), the new law reverses the process of judicial review. Not only is the BMV, as a department of the executive branch, incompetent to receive a grant of this type of judicial power from the legislature, but it also may not exercise functions which the legislative branch as conferred on the judiciary, such as judicial review. **Ashley vs. Henahan**, 56 OS 575; **Shario vs. State**, 105 OS 535. Instead of allowing for judicial review of an administrative decision, Section 4509.101 provides for administrative branch of the executive to review a decision of the Municipal Court.

In addition to violating the separation of powers doctrine, the new law may also have equal protection problems. The financial responsibility law allows those who are able to pay waivers to avoid having to show proof of financial responsibility. It is only those traffic violations which require a court appearance where proof of compliance is necessary. In order to be valid, the new law must operate equally upon all persons of the same class

Continued on Page 12

Please
Attend . .

CLEVELAND-MARSHALL ALUMNI ASSOCIATION'S

ANNUAL OPEN HOUSE

Friday, June 1, 1984

5 p.m. - 7 p.m.

at the

Cleveland-Marshall College of Law Atrium

ANNUAL MEETING: 5:00 P.M.,

FOLLOWED BY COCKTAILS - BUFFET - DOOR PRIZES -

GOOD FELLOWSHIP, COMBINED WITH THE BAR RESULTS CELEBRATION

BRING A NEW MEMBER ALONG OR SPONSOR A NEW GRADUATE

**SUPPORT THE ALUMNI ASSOCIATION THROUGH
MEMBERSHIP DUES AND ATTEND THIS EVENT!**

PLEASE COMPLETE AND RETURN THE ATTACHED TEAR SHEET WITH
YOUR REMITTANCE TO THE C-M ALUMNI ASSOCIATION.

1801 EUCLID AVENUE, CLEVELAND, OHIO 44115.

(CHECKS PAYABLE TO C-M ALUMNI ASSOCIATION)

☐ I will attend the Annual Open House

☐ I cannot attend, but enclosed are my dues for 1984-85.

CONTRIBUTIONS ARE TAX DEDUCTIBLE. THANK YOU FOR YOUR SUPPORT.

JUNE 1, 1984 - JUNE 1, 1985

ANNUAL DUES

☐ General Membership \$40.00
☐ 4th Year Graduate \$20.00
☐ 3rd Year Graduate \$15.00
☐ 2nd Year Graduate \$10.00
☐ 1st Year Graduate \$ 5.00
☐ Friend of Alumni Association \$40.00
☐ Law Review (Vol. 33)(For dues paying members) \$15.00

I WISH TO MAKE AN ADDITIONAL CONTRIBUTION TO:

☐ LAW ALUMNI ASSOCIATION ENDOWMENT FUND

OTHER CATAGORIES

☐ *Life Membership \$1,000
(Can be payable \$250.00 per year for 4 years). Name on
permanent plaque in Law College Atrium, Alumni Assoc-
iation Showcase upon receipt of full payment. Free
personalized paperweight upon receipt of first payment.
☐ *Sustaining Membership \$100.00
☐ My firm or company will match my contributions to
support the Cleveland-Marshall College of Law
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Judge Pryatel and wife Elaine at the Annual Recognition Luncheon.

So You Want Music

Continued from Page 3

The test for finding a corporate officer jointly and severally liable with his corporation for copyright infringement is whether the officer "has the right and ability to supervise the infringing activity and also has a direct financial interest in such activities." **Famous Music Corp., v. Bay State Harness Horse Racing and Breeding Association, Inc.**, 554 F.2d 1213, 1215 (1st Cir. 1977); **Gershwin Publishing Corp., v. Columbia Artists Management, Inc.**, 443 F.2d 1159, 1162 (2nd Cir. 1971); **Shapiro, Bernstein and Co., v. H.L. Green Co.**, 316 F.2d 304, 307 (2nd Cir. 1963).

The defendant's financial interest in the restaurant, both as an owner and as a creditor was substantial. The defendant's deposition left no doubt that he: was sole shareholder of the corporation which owned the restaurant; had received dividends; had regularly loaned money to the corporation; had personally guaranteed the company's obligations and signed mortgages on the company's property and equipment; and owned the building in which the restaurant operated.

The defendant's deposition answers also established numerous facts evidencing his "right and ability" to supervise the infringing activity. As the president, sole director and owner, the defendant admitted that he had

the final say in all matters concerning the restaurant, including the employment of the day-to-day manager, who was directly responsible to him, and the hiring of the company's accountants and attorneys. Furthermore, the fact that the defendant told his manager to instruct musicians not to play copyrighted music indicated that he participated in decisions concerning the Restaurant's musical policy and exercised the right and ability to control the infringing activities.

The fact that the restaurant was managed on a day-to-day basis by someone else did not relieve the defendant of liability. The test enunciated by the court in **Boz Scaggs Music**, 941 F. Supp. 908 (D. Conn. 1980), which had its genesis in **Gershwin Publishing Corp., Columbia Artists Management, Inc.**, 443 F.2d 1159 (2nd Cir. 1971), and **Lottie Joplin Thomas Trust v. Green Publishers, Inc.**, 456 F. Supp. 531 (S.D. NY 1977), *aff'd* 592 F.2d 651 (2nd Cir. 1978), does **not** require active supervision. All that is required is that the individual defendant have the "right and ability" to supervise the infringing activities.

The owner of a public restaurant and bar may not frustrate the copyright laws by claiming ignorance of the performer's infringement. **Chess Music, Inc., Sipe**, 442 F. Supp. 1184 (D. MN 1977). The owner "is deemed to have acquiesced in the musician's performance as he allowed the musician the

discretion to select the program", **Chess Music, Inc.**, at 1185. This is so even if he instructed the performers not to perform copyrighted music. See *Id.*: **Famous Music Corp., v. Bay State Harness Horse Racing and Breeding Ass'n.**, *supra*, **Keca Music, Inc., v. Dingus McGee's Co.**, 432 F. Supp. 72 (W.D. MO 1977); **Shapiro Bernstein and Co., v. Veltin**, 47 F. Supp. 648 (W.D. LA 1942).

The defendant's final contention - that the issue of whether he has the right and ability to supervise or control the infringing activity was an issue in fact, which would preclude granting summary judgment - was overruled. The defendant's deposition answers established that there were no remaining issues of **fact**. The question of whether the defendant had the right and ability to control the infringing activity was an issue of law, on which the Court ruled in favor of the plaintiffs.

The defendants were permanently enjoined from publicly performing the musical compositions at issue and ordered to pay \$250 for each infringement, pursuant to 17 U.S.C. §504 (c) (1), for a total of \$2,500. The plaintiffs were also awarded attorneys fees which were substantially more than the statutory damages.

Restaurant owners who refuse ASCAP licenses and continue to allow musicians to play copyrighted compositions could find their policy more expensive in the long run.



Alumni President Terrance Gravens, C-M '77 congratulates the Honorable August Pryatel, (top), and Congressman Dennis E. Eckart, C-M '74 at this year's Annual Recognition Luncheon.



Outstanding Alumni Well Received

This year's Annual Recognition Luncheon, held at the Bond Court Hotel on Friday, March 9, drew a large crowd of alumni and others to honor Judge August Pryatel, C-M '42, and U.S. Congressman Dennis E. Eckart, C-M '74.

Several hundred people filled the room. In his remarks, Judge Pryatel expressed his gratitude to the night law school program. He also recounted one of his many experiences on the bench:

Re: The overdue library book

"An individual had been sent several notices about an overdue library book." "Finally," said he, "I sent a notice, delivered by police, for the man to appear in court on Wednesday. Late Tuesday, the individual called and said the matter was taken care of."

"Because of your notice I paid my wife \$800.00 in back alimony," said the man. "Mr.," replied Judge Pryatel, "all I wanted was your library book."

Congressman Eckart reminisced about his professors and the lessons he had learned at Cleveland-Marshall.

Luncheon chairman Terrence Brennan, C-M '78, was pleased with a capacity crowd and the fact that the event began and ended on schedule.

MEMBERSHIP

THE SEEDS WERE PLANTED. THE FRUIT WAS EATEN. NOW WHO WILL TEND THE ORCHARD?

As the Alumni Association begins its 1984-85 membership year, it is important to remember our educational foundation and support for your law alma mater through membership dues.

A new dues statement has been designed for your convenience, which will be mailed out shortly. (Or you can return the attached form on page

The Alumni Association will continue its commitment to increased alumni correspondence and participation in seminars and events. We need your support through membership dues.

Whether you live in the Cleveland area or out of state, the Cleveland-Marshall College of Law will continue to serve as a reminder of your current success. Please give a little back through alumni dues.

Spring Seminar Well Received

A first time spring seminar on Products Liability and Negligence, sponsored by the Law Alumni Association's Continuing Legal Education Committee, was held on April 2 in the law school's Moot Court room.

The speakers were **Richard Aikire, C-M '80**: Discovery in Products Liability Actions, **Henry Hentemann, C-M '63**: The Current Status and Trends of Uninsured and Underinsured Motorist Coverage in Ohio, **Professor Stephen J. Werber**: Where are We and Where are We Going?, **Marshall I. Nurenberg**: Selecting, Preparing, and Presenting the Expert for the Plaintiff, **The Honorable Richard M. Markus**: Evidentiary Issues in Products Liability Cases, and **James L. Malone**: Our Supreme Court Today and Its Treatment of Products Liability Law.

Chairmen **David Paris, C-M '77** and **Herbert Palkovitz, C-M '68**, were pleased with the favorable response from all who attended. "We hope to continue to give Cleveland-Marshall alumni and the legal community at large every opportunity to participate in seminars such as this in the future," they said.

A Family Affair

Continued from Page 4

Former dance major at the University of North Carolina and the youngest Fifer to attend Cleveland-Marshall is Greta. She realized that dance was not a reliable profession so she took her sister-in-law Elaine's advice and came to Cleveland-Marshall. The first year student admits that it is easy to make friends here since "everyone is going through the mill together." "I especially enjoy those students who have been out of school for awhile and now attend law school."

All of the Fifers recognize the economic advantages of Cleveland-Marshall. However, they each point out a distinct quality which attracted them to this school. Fred asserts that Cleveland-Marshall does not get caught up in "the paper-chase syndrome" but teaches you "how to get from point A to point B without forcing you to ponder just the variables of point A."

William praises the outstanding faculty while Doug cited the advantages of a diverse student body. Elaine heralds the friendly atmosphere of Cleveland-Marshall and said other schools, unlike Cleveland-Marshall, are often noted for "cut-throat competition."

David thinks that one of the most powerful assets of Cleveland-Marshall is its locale. "Cleveland-Marshall is the law school closest to the Cleveland community as a whole. It is downtown near the major firms." However, he also realizes the need for the community to know more about the school. "I would like to change the way the community perceives Cleveland-Marshall. Placement should be made more aware to students."

Doug agrees with David and adds, "I do my own public relations act if Cleveland-Marshall's integrity is impaired. I would recommend any Cleveland-Marshall student that applies to the firm."

Doug recalls professor Sam Sonnenfeld's advice when he said, "Don't ever get so busy practicing law that you can't make money." "But," Doug added, "I haven't found anything more that I yet enjoy doing." All of the Fifer's agreed.

Editor's note: This article was written by student assistant Bernadette Walsh under the supervision of alumni coordinator Sandi Oppenheim.

First Dinner Dance Attracts a Good Crowd

A fine blend of younger and older alumni attended the Association's first Dinner Dance on Saturday, February 4.

Held at the beautiful University Club, a good sized crowd filled the room to capacity while dining and dancing through the evening.

Cleveland-Marshall alumni became acquainted with one another, as judges, lawyers, insurance agents, accountants, and others shared fond memories of their time spent at Cleveland-Marshall. Even a few professors were there to mingle with alumni.

Some commented that they missed law school and their colleagues. Others, who said they came out of curiosity, remarked "it's really good to be back."

Most recalled fond memories of Cleveland-Marshall or John Marshall, or The Cleveland Law School.

All who attended felt "Cleveland-Marshall is where it's at."

"I worked so hard all day to go through law school at night," said one alumnus. "Now that I'm a success, it was definitely worth it. Knowing Cleveland-Marshall alumni opened many doors for me."

"It was nice seeing 'friends' of Cleveland-Marshall (non-alumni who support the Association through membership dues) attend our event," said chairman **Jerry Walton, C-M '80**.

The group's diversity, ranging from class of '29 graduates to alumni from the class of '83, proved that the Cleveland-Marshall family is certainly on the move.

Plans for a similar event next year are already underway.

Alumni Happenings . . .

CLASS OF '54

DANIEL R. McCARTHY, former class president, is heading a 30th year reunion to be held at the Old Mather Mansion now known as University Hall on Saturday, September 15, 1984. JACK SMITH, former vice president, and ED HUG, former secretary, will serve on the committee.

CLASS OF '59

PAUL GRANZIER will chair the 25th reunion to be held at the Commerce Club on Saturday, June 23rd. If you wish to serve on this committee, please contact the Alumni Office at 216-687-2368.

CLASS OF '61

JAMES V. STANTON, executive Vice-President of Delaware North Companies Incorporated, has been accepted by Harvard University to attend the 93rd Session of its prestigious Advanced Management Program running from January to April. The thirteen-week program brings together top leaders of business and government from around the world. The former United States Congressman will be among the 160 executives expected to attend the 93rd Session.

CLASS OF '64

A 20th reunion will take place on Saturday, October 20, 1984 at the University Club in Cleveland. Chairman HOWARD ROSSEN can be reached at 216-696-1326.

CLASS OF '70

ANNETTE B. BUTLER was appointed as an assistant U.S. Attorney and assigned by U.S. Attorney J. William Petro to the agency's civil division. She was legal affairs director of the Cleveland Office on School Monitoring and Community Relations and a member of the law firm of Guren, Merritt, Feibel, Sogg and Cohen.

CLASS OF '71

MILTON GUTH is now an associate for the law offices of Julian Kahn and Associates located in the Illuminating Building.

ANDREW HUDACKO is a field representative for the Ohio Association of Public School Employees doing Arbitration, Mediation and Negotiations. He is Chief of Grievance Hearings, Civil Service Hearings and Labor Management Meetings.

JACK D. WARREN was appointed to the Cuyahoga County Commissioner's Advisory Board on Disabled Children. He is also chairman of the Subcommittee on Transportation and member of the American Disabled for Accessible Public Transit.

CLASS OF '74

RICHARD L. AYNES, an Associate Professor at the University of Akron Law School, was appointed reporter for the American Bar Association's Special Committee on Evaluation of Judicial Performance.

CLASS OF '77

KATHLEEN SZOKAN AYNES was elected Co-Chair of the Endorsement Committee of the Summit County, Ohio, Women's Political Caucus.

CAREY N. GORDON is counsel to Rippner, Schwartz and Carlin in Cleveland. He is also doing research and writing on Islamic Law.

DAVID PARIS married third year Cleveland-Marshall Law student MICHELLE L. JOHNSON on April 7, 1984.

ROGER M. SYNENBERG, a former member of the law firm of Weiner, Orkin, Abbate and Suit was appointed an assistant U.S. Attorney.

CLASS OF '79

RICHARD VAN M. KROTSING recently joined the Law Department of Reynolds Metals Company in Richmond, Virginia as a labor and employment law attorney.

RICHARD G. LILLIE will work in the criminal division now that he has been appointed an assistant U.S. Attorney by U.S. Attorney J. William Petro. He was associated with the law firm of Paynter and Kohler and served as a law clerk.

The fifth reunion was held at the Canterbury Golf Club in Shaker Heights on Saturday, May 6. Committee members were PAT DALY CONSOLO, LOUIS DAMIANI, AUDREY DAVID, WILLIAM J. DAY, BOB FERRERI, STEVEN LATOURETTE, ANTON LAVRISHA, THOMAS LOBE, BRUCE MARKS, WILLIAM MCGINTY, MARTIN NADORLICK, MICHAEL P. O'GRADY, MARIA E. QUINN, THOMAS REPICKY, ESTHER ROMANOWSKI and JOAN SEBELIN.

CLASS OF '80

LYNN L. ARKO, '80 and MICHAEL V. KELLEY, '81, were married recently. Lynn is currently a Deputy County Auditor in charge of the Ohio Estate Tax Department. Michael is associated with the law firm of Robert E. Sweeney Co., L.P.A.

CLASS OF '81

EMILY M. MIRSKY is now working in the civil division as a result of her appointment as an assistant U.S. Attorney by U.S. Attorney J. William Petro.

CLASS OF '82

MARILU LAUBENTHAL MYERS opened a private office for the General Practice of Law in Elyria.

DAVID A. SIERLEJA resigned as Assistant Lorain County Prosecutor and has become a partner in the firm of Gonyo, Camp and Sierleja in Berlin, Wisconsin.

DIANE M. WARD and MARK K. KANTZ are associated in the general practice of law with their offices in Cleveland Heights.

MICHAEL TROY WATSON has left the Greater Cleveland Regional Transit Authority for private practice with his father. Their firm, Watson and Watson, is in downtown Cleveland.

CLASS OF '83

MICHAEL D. POKORNY began practicing in the County Prosecutor's Office in January.

ROGER W. PRYOR is recently employed as an Assistant Public Defender in the Felony Division of the Cuyahoga County Public Defender Office. Pryor is continuing as Adjunct Professor of Philosophy at Ursuline College, Cuyahoga Community College and Lorain Community College.

Obituaries

LAWRENCE A. SYKORA, died in February at age 78. He was the circulation manager of the Catholic Universe Bulletin for about forty-three years and practiced law part time, mainly in probate work.

NELSON N. MOSS, suffered a stroke last July and died in January at 76. He established Moss Mortgages, a real estate business in the late 1930's and entertained patients at Mount Sinai Medical Center with his musical talents as a volunteer.

THEODORA GUTHRIE, '32, died in January at 86. She was the only woman to be graduated from the John Marshall School of Law in 1932 and was past Vice-President of the Council on Human Relations.

WALTER M. FEATHERSTUN, '40, died in February following a six-year illness with cancer at 76. He started with the Ohio Bell Telephone Co. as a lineman. When he retired forty-eight years later he was the company's general agent. His avocation was youth work, mostly with the Boy Scouts.

EARL T. LONGLEY, '54, died in January from Lou Gehrig's disease at 57. He was law director of Highland Heights, Bedford, Faven Hills and South Euclid. In 1955 he established his law office in the Leader Building and continued in private practice until he retired in 1982.

CHARLES MOSLEY, '51, died in January at the age of 58. He was Regional Transit Authority General Counsel since January 1892 and started with the Old Cleveland Transit System in 1964 working on special cases.

RICHARD E. FIORDALISI, '69, died in March from cancer at 40. He was a partner in the law firm of Amirault and Fiordalisi in Wickliffe and President of Georgetown University Alumni Club Cleveland in 1979.

Ohio's Compulsory

Continued from Page 6

(i.e. all persons given a ticket for a moving violation), and not exempt those that can pay a waiver. **Hamann vs. Heesen**, 88 OS 207.

The constitutional problems of the new financial responsibility law do not end with the equal protection clause, but also include abridging the defendant-operator's privilege against self-incrimination. Ohio Constitution, Section 10. Since the new law requires the Court to inquire of the defendant as to whether he was operating a motor vehicle, such an inquiry would call for a potentially damaging admission. This is due to the relevance of such a fact as an issue in a DWI case. A refusal to answer can lead to impoundment of registration, plates and suspension of operators license, while if the defendant does answer, his in Court admission would be available to prove that he was the driver of the car. In such an instance, the defendant-operator has lost his right not to testify against himself, in controvention of the Fifth Amendment. **Cincinnati Sand C R Co. vs. Cook**, 37 OS 265.

Other Opinions

Another Court which has found the new financial responsibility law to be unconstitutional is the Medina County Municipal Court, where Judge Kermit K. Neely (C-M '56) presides, and Albert D. Shirer, J.D. (C-M '78) is Clerk of Court.

Judge Neely initially tried to enforce the law, and had revoked the driving privileges of over fifty defendants before holding the law unconstitutional. In addition to the previously mentioned constitutional defects, Judge Neely also found a due process problem with the summary nature of the process whereby a defendant's driving privileges are revoked if he refuses to answer the Court's inquiries as to compliance with the financial responsibility requirements.

Also of concern to him was the possibility of losing the traditional judicial immunity judges have from civil actions relating to their decisions. Since Judge Neely has found that the new law required judges to act in an administrative capacity, with appeal to the Registrar and **not** the Common Pleas Court, there may be no judicial immunity in certain cases. While the BMV does have bond coverage available for such cases, its availability to judges would require them to be classified as agents of the Registrar.

Mr. Shirer pointed out that the new law imposes a significant additional administrative burden on the Municipal Court. In 1983, Medina Municipal Court had over 17,000 cases, of which he estimated at least 3,000 would require application of the new provisions of the financial responsibility. While he thought the Clerk's office would be able to

accommodate the new forms and procedures necessitated by the law, to do so would require additional personnel costs. More importantly, he noted that the additional time requirement for the Judge in cases involving the financial responsibility law would be substantial.

Since the number of judges in the county is fixed by law, it is in essence a finite resource, unless amended by the legislature. In Medina County, which in 1983 had the seventh largest total Municipal Court caseload per judge and the largest DWI caseload per judge in Ohio, the new law would probably require the appointment of another referee. This then represents another significant incremental cost attributable to the revisions in the financial responsibility law.

In discussing the operational difficulties the new law entails, Mr. Shirer pointed out the special problems presented when the defendant is **not** the owner of the vehicle. When faced with the informational requirements presented by the various financial responsibility forms, very often the defendant will be forced to affect a continuance in order to obtain the necessary data. This results not only in delays in the case, but also engenders much frustration on those members of the public confronted with providing compliance with the law. Also, if the defendant returns with documents and/or information regarding the car and it's owner, a hearsay problem may be presented which again would place additional burdens on the judge's time.

One Court that is enforcing the new law is Euclid Municipal Court, where Judge Robert Niccum (C-M '56) presides. Judge Niccum characterized his Court's handling of the law as one of "passive enforcement." While the new law required a new clerk to be hired, Judge Niccum has so far been able to enforce the law with no significant increase in the amount of his time spent on such cases.

As to the constitutional issues, he feels that there are equal protection, due process, and Fifth Amendment problems. Also, he is of the opinion that in enforcing the law, he is acting in an administrative capacity as an agent of the BMV. This is especially troubling to him, as he put it, "It bothers me to act as Prosecutor and Judge at the same time."

Alternatives

Pending a final determination of the constitutionality of the financial responsibility law on appeal, there are several alternatives available to the legislature.

One such alternative is S.B. 316, introduced by State Senator Charles Butts on January 19, 1984. As of this writing, the bill was in committee. Among other things, the bill would require liability insurance as the only form of financial responsibility, instead of the four ways it may currently be maintained. The Registrar, and not the Courts would

administer the bill, and Section 4509.101 would be repealed in its entirety. As such, this bill would cure the constitutional infirmities that exist in the current financial responsibility law.

If enacted, Senator Butt's bill would be the first time liability insurance mandatory in Ohio. Other states have enacted such compulsory liability insurance laws. Pennsylvania is one of these states. See 40 Pennsylvania Statutes 52, Section 1009.104 (Required Motor Vehicle Insurance). However, this law was enacted as part of a comprehensive No-Fault Motor Vehicle Insurance System.

If the legislature chooses not to move towards either the type of compulsory liability insurance as represented by Sen. Butt's S.B. 316, or a Comprehensive No-Fault System, it appears that the new law will continue to be enforced sporadically, pending final review.

A New Program at Cleveland-Marshall

Kids don't know anything about the Constitution! "What can we do?", asked Ohio's ACLU in October 1983. The answer came from Cleveland-Marshall's Street Law staffers Elisabeth Dreyfuss and Judith A. Zimmer. They suggested a Statewide Mock Trial on a Constitutional question.

Enter a uni-ocular basketball player named Pat (either Patricia or Patrick) Bradley. Pat is a high school sophomore who tries to convince the court that in the 14th Amendment, there is a right to personal autonomy. Such a fundamental right requires that the State show a compelling interest to "protect Pat from the risk of blindness" by keeping her off the team which she has qualified for in a competitive tryout.

It's being argued in high school classrooms all over Ohio. Five law schools are hosting sectional and regional matches. By Law Day 4 semi-finalists will meet in Columbus to determine a winner. The Dreyfuss/Zimmer idea has brought the ACLU together with the Attorney General's office, the State Supreme Court, the Governor & the Ohio State Bar Association. Cleveland-Marshall's Street Law Program puts good ideas into public education!

Faculty Happenings . . .

At its January meeting, the Board of Trustees of Cleveland State University granted tenure to **Assistant Professors Sheldon Gelman** and **Jack A. Guttenberg** and **Associate Professor James G. Wilson**. **Professors Gelman** and **Guttenberg** were also promoted to the rank of Associate Professor.

Professor J. Patrick Browne's article "The New Civil Rule 12 (H)" appeared at 54 Cleve. B.J. 222 (1983); his "Civil Rule 12 (D): Defusing the Time Bomb" is at 55 Cleve. B.J. 104 (1984). Professor Browne's "The Leave to Plead as a Waiver of the Jurisdictional Defenses" will appear in the next issues of the Cleveland State Law Review. In April, 1984, "Some Problems with Proposed Civil Rule 4 (E), was published in the 55 Cleveland Bar Journal 164 (No. 6).

Professor David Forte's article "Islamic Law in United States Courts" was published in the Suffolk Journal of Transnational Law. His "Injustice and Tragedy in Aristotle" appears in The Georgetown Symposium on Ethics: Essays in Honor of Henry B. Veatch, edited by R. Porreco and published by the University Press of America (1984). In addition, Professor Forte, who is on academic leave this year, gave an address on "Islam and Politics" at Brigham Young University School of Law on February 14, 1984, and one on "Islamic Issues before U.S. Courts" at the University of Utah School of Law on February 14, 1984. Finally, Professor Forte spoke to faculty and graduate colloquia at the Yale Law School and the Harvard Law School in March; his topic at both schools was "Theft in Islamic Law."

Associate Professor Peter Garlock attended the Annual Conference of the American Society for Legal History in Baltimore, Maryland, on October 21-22, 1983.

Assistant Professor Sheldon Gelman's article "Mental Hospital Drugs, State Professionalism, and the Constitution" will be published in the Georgetown Law Journal. His "Mental Hospital Drugging: Atomistic and Structural Remedies" was published in the most recent issue of the Cleveland State Law Review.

Professor David B. Goshien attended a seminar for tax educators at College Park, Maryland, on March 6-9, 1984. The seminar, sponsored by Ernst & Whinney, was on the subject of reorganizations.

Associate Professor Barry Kellman's article "Anxiety Over the TMI Accident: An Essay on the Limits of Inquiry Under NEPA" was published in a recent issue of the George Washington Law Review.

Associate Professor Steven Steinglass' article "The Emerging State Court § 1983 Action: A Procedural Review" will be published in the forthcoming issue of the Miami Law Review. Professor Steinglass attended the National Conference on Developments in State Constitutional Law in Williamsburg, Virginia, on March 9-10, 1984. The conference was co-sponsored by the National Center for State Courts, the Conference of Chief Justices, and the Marshall-Wythe School of Law of the College of William and Mary.

Professor Victor L. Streib's article "Death Penalty for Children: The American Experience with Capital Punishment for Crimes Committed While Under Age Eighteen" was published in the most recent issue of the Oklahoma Law Journal.

On April 2, 1984, **Professor Stephen J. Werber** lectured on "Where Are We and Where Are We Going" at a Seminar on Products Liability and Negligence sponsored by the Cleveland-Marshall Law Alumni Association Continuing Education Committee.

Assistant Professor Robin West's article "In the Interest of the Governed: A Utilitarian Justification of Substantive Judicial Review" will be published in the Georgia Law Review.

Associate Professor Louis B. Geneva and **Assistant Professor Martin D. Kriegel** will be teaching in the Annual Short Course Tax Program at Cleveland-Marshall this May. Each course is an intensive 12-hour workshop held over 4 days. Professor Geneva will be teaching Qualified Retirement Plans and Estate Planning; Professor Kriegel will teach Basic Corporate Taxation. Adjunct faculty member Thomas Hausman will teach Basic Federal Partnership Taxation and Advanced Federal Partnership Taxation.

Professors Joan Baker, Michael Davis, Nicholas Pope, Robert Willey and **Assistant Dean Jan Murray** have formed a Computer Committee, which is investigating computer applications - for instruction, research, and administration - at the law school.

Assistant Dean R. Lynn Hall resigned from Cleveland-Marshall in March to join the Cuyahoga County Public Defender; she is currently assigned to the Juvenile Division. Newly appointed Assistant Dean is **Mary Moran-Kennedy**, a 1983 graduate of Cleveland-Marshall.

Alumni Association Honors Grads

The Alumni Association held a **Get Acquainted** party for third year graduating students on Thursday, April 19 in the law school atrium.

Members of the Board of Trustees and Life Members were present, along with Dean Bogomolny, to acquaint students with the legal profession after law school and to be on hand for questions and support.

The Association plans to continue its efforts to make students feel comfortable while in law school, and to familiarize its alumni with the terrific talents of the Cleveland-Marshall student body.

Placement News . . .

Employment statistics remain high for Cleveland-Marshall graduates despite an ever-tightening legal job market in Northeast Ohio. Of those responding to the 1982-1983 class survey, approximately 85 percent are employed.

Nearly 60 percent are pursuing legal careers. Small to medium-size firms continue to be the choice of most graduates. Major Cleveland law firms successfully recruited 1982-1983 class members.

Ten graduates are working as Judicial clerks. Eight are in Ohio and one each are clerking in Colorado and Florida.

After several years of limited hiring activity, the Federal Government is re-emerging as an employer of Cleveland-Marshall graduates. Cleveland-Marshall graduates are employed in legal and law-related positions in the Justice Department, administrative agencies and the military.

Approximately 25 percent of 1982-1983 graduates chose law-related careers or used their degrees to pursue alternate careers. The Big Eight accounting firms were among a variety of accounting firms hiring Cleveland-Marshall graduates. Other graduates are using their legal backgrounds in corporations, banks, insurance, social service and publishing careers.

Although most graduates remain in the Northeast Ohio area, graduates are finding employment throughout the country. Graduates of this class are working in New York, Baltimore, Denver, Miami, Washington and Phoenix.

Interest in Cleveland-Marshall graduates remains high. On-Campus recruiting has more than quadrupled during the last five years. Approximately 70 employers participated in the on-campus interviewing program last fall and we anticipate an even more successful 1984.

The Placement Office number is 216-687-2332.

FROM THE ALUMNI OFFICE

by **Sandi Oppenheim,**
Alumni Coordinator

The Cleveland-Marshall student body is not only a vital part of the law school and the legal profession, but the future of the Alumni Association.

Getting to know Cleveland-Marshall students is a fulfilling part of my job as Alumni Coordinator. I find the Cleveland-Marshall student vibrant, filled with endurance, hard working, conscientious, and more than eager to volunteer his or her time for the Alumni cause.

It is equally important for the practicing attorney and other Cleveland-Marshall alumni to become acquainted with our diverse student body.

By attending Alumni events, stopping by the student lounge while using the library, or dealing with the Placement department in seeking an employee, I feel assured that your day will be a better one knowing that the Cleveland-Marshall family is well represented.

I look forward to your visit as well. The Alumni office is located in the law clinic, room 41; the phone number is 216-687-2368. Please stop in or call to say hello. We want to hear from you.

Library News . . .

The Joseph L. Bartunek III Law Library has just installed four new photocopy machines which will operate by magnetic strip vending cards. PAID CURRENT MEMBERS of the Cleveland-Marshall Alumni Association may use their membership card for identification to write a check to CSU for the amount of the copies encoded in the vending cards.

The library staff will sell these cards precoded for 100, 200, 300, and 500 copies at 7¢ per copy. Thus, the 200 copy encoded card will cost \$14.00. The copy machine will "read" the card encoding and compute a declining balance on the card, very clearly showing the user how many copies remain on the card. The card does not expire; it should be retained until all copies are used and then returned to be reprogrammed after a new fee is paid. (One of the copy machines has a 10¢ coin vending device for the infrequent user.)

The law library now has library identification cards for the non-law school user. These cards must be completed by the alumni upon their next visit to the library. The cards will assist in book control, giving more information about book borrowers to allow us to retrieve overdue books. The Law School Library Committee has initiated a comprehensive library fine system for overdue

books which will be effective after faculty approval in Spring, 1984.

The library has now acquired state digests to complete its collection of all state digests or encyclopedias in publication. These materials have just been received and are being shelved as they are processed.

W. Nicholas Pope, Interim Library Director, Assistant Professor of Law, can be reached at 687-2253 for further information.

Alumni Association Awards Two Prizes

The Alumni Association has awarded two cash prizes to second year students Laurie F. Starr and Terry A. Bryer for outstanding brief writing in the annual Moot Court Competition. The awards were given on Friday, April 20.

Alumni News About Yourself or Lost Alumni

Please send to the Cleveland-Marshall Law Alumni Association,
1801 Euclid Avenue, Cleveland, Ohio 44115.

Name: _____

Class of: _____

Address: _____

Phone: _____

News or Comments, Hobbies or Interests:

Lost Alumni Name: _____

Class of: _____

Address: _____

Phone: _____

Change of Address

Name: _____

Class: _____

Position, _____

Firm: _____

Office Address: _____

Office Phone: _____

Home Address: _____

Home Phone: _____

Alumni Benefit Plan Still Available

The Alumni Benefit Plan which began this fall has been well received by Alumni members. The plan has great flexibility, allowing for individual election of insurance limits and coverages, with preferential underwriting. OPEN TO DUES PAYING MEMBERS and their employees, we again offer this exclusive program. Features of the plan are:

Group Life Insurance and Basic Hospital Plan plus Major Medical

This may be the best buy in the market today. Available to Cleveland-Marshall Alumni who are registered members of the Association.

Term Life Insurance for individual or family in increments of \$10,000 (\$10,000 minimum is required to participate in the medical plan)

Basic Hospital Plan

365 Days semi-private

Medical Expense

Diagnostic

Full Maternity Coverage

Mental Disorders, Alcoholism

PLUS Major Medical Plan

UCR 1,000,000 individual maximum

UCR \$200 Individual deductible

UCR 80/20 of \$2000 then 100%

UCR Surgery at UCR

UCR

Medical Plan Rates for Ohio

Family \$238.29 per month — Single \$86.49 per month

Underwritten by Mutual of New York and Blue Cross/Blue Shield of Greater New York.

Alternative Medical Plan

\$1,000,000 Comprehensive Major Medical Plan

Available to Alumni members and their employees who wish a high deductible, high co-insurance, low premium plan.

Life Insurance - Alternatives

If you have a need for personal life insurance - "Batch" underwriting has been arranged for CMLA members through MONY. This is much more liberal than individual underwriting.

Annual Term Insurance - Whole Life - Universal Life

Group Long Term Disability Income Protection

• Benefits to Age 65 or Five Years • Residual disability benefit • Liberal Underwriting • Elimination period 30 days or 90 days • Remarkably low rates

Long Term Disability Income Protection

New Issue by MONY - effective July 15, 1983 - Liberalized Underwriting for Cleveland-Marshall Alumni members.

Non-Cancellable Guaranteed renewable to age 65 - May keep to age 75

Lifetime Sickness Benefit

Definition - "unable to perform material duties of regular occupation"

Residual Disability Benefit

Zero Day Partial Disability Benefit

Non Consecutive qualifying days satisfy the waiting period

Cost of living adjustment to 8% compounded annually

Purchase Option-\$2400 Per month-cumulative to age 50

Elimination periods 0 days to 365 days

Group HR-10 Plan

The plan will be offered if there is sufficient response.

1. Professional money management
2. Principal guaranteed against
3. Earnings rate guaranteed
4. All annuity options available
 1. life only
 2. life and period certain
 3. joint and survivor
5. Same plan and administration that is available to major partnerships and corporations

Automobile

Purchase **Lease** **Conditional Sale**

Purchase a new Oldsmobile at \$150 over the Dealer's invoice price

Lease any make or model at 10% discount from the advertised lease price.

Conditional Sale allows the eventual purchase of a Mercedes or similar luxury car at little or not after tax cost.

This is a unique concept and program.

Travel Benefits: For information contact Alumni Office.

Please return the enclosed tear sheet to Cleveland-Marshall Law Alumni Assn., 1801 Euclid Ave., Cleveland, OHio 44115. For further information, call 216-687-2368.

Contact me regarding the benefits checked below

_____ Basic Hospital and Major Medical

_____ Group and Individual Term Life Insurance

_____ Long Term Disability-Group and Individual Coverage

_____ Retirement Group HR-10

_____ Professional Overhead Expenses

_____ Special Guaranteed Issue - Permanent Life Insurance

_____ Automobile: Purchase - Lease - Conditional Sale

_____ Travel Benefits

Name: _____ Class of: _____

Firm: _____

Address: _____ Phone No: _____

City: _____ State: _____ Zip: _____

_____ I am a 1983-84 dues paying member of the Cleveland-Marshall Law Alumni Assn.

_____ I am not a current member. Please send me a dues statement, or fill out the dues statement provided in this issue and return with a membership check.



Senator Frank Lausche waves to the crowd at the Annual Recognition Luncheon.



Herbert Palkovitz addresses attendees at the Alumni Association's first Spring Seminar on Products Liability and Negligence as co-chairman.

This publication made possible by your membership dues.

**CLEVELAND-MARSHALL LAW NOTES
CLEVELAND-MARSHALL LAW ALUMNI ASSOCIATION
OF CLEVELAND STATE UNIVERSITY
1801 EUCLID AVENUE • CLEVELAND, OHIO 44115
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